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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 RANDALL HOPKINS,  
12 CDC #V-97737,

13 Plaintiff,

14 vs.

15  
16 DANIEL PARAMO; K. SEIBEL;  
17 R. OLSON; J. RAMIRES,

18 Defendants.  
19  
20

Civil No. 13cv1666 LAB (KSC)

**ORDER DISMISSING CIVIL  
ACTION AS DUPLICATIVE  
PURSUANT TO 28 U.S.C.  
§ 1915A(b)(1)**

21 Plaintiff, a state inmate currently incarcerated at the Richard J. Donovan Correctional  
22 Facility (“RJD”) in San Diego, California and proceeding pro se, has filed a civil rights  
23 Complaint pursuant to 42 U.S.C. §1983. Plaintiff has not prepaid the \$350 filing fee mandated  
24 by 28 U.S.C. § 1914(a); instead, he has filed a Motion to Proceed *In Forma Pauperis* (“IFP”)  
25 [ECF No. 2].

26 **I. Sua Sponte Screening Pursuant to 28 U.S.C. § 1915A(b)**

27 The Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915A, obligates the Court to  
28 review complaints filed by anyone “incarcerated or detained in any facility who is accused of,

1 sentenced for, or adjudicated delinquent for, violations of criminal law or the terms or conditions  
2 of parole, probation, pretrial release, or diversionary program,” “as soon as practicable after  
3 docketing” and regardless of whether the prisoner prepays filing fees or moves to proceed IFP.  
4 See 28 U.S.C. § 1915A(a), (c). The Court must sua sponte dismiss prisoner complaints, or any  
5 portions thereof, which are frivolous, malicious, or fail to state a claim upon which relief may  
6 be granted. 28 U.S.C. § 1915A(b); *Resnick v. Hayes*, 213 F.3d 443, 446-47 (9th Cir. 2000).

7 Plaintiff’s Complaint is subject to sua sponte dismissal pursuant to 28 U.S.C.  
8 § 1915A(b)(1) because it appears to be duplicative of a case Plaintiff is currently litigating.  
9 Plaintiff’s Complaint contains identical claims that are found in *Hopkins v. Paramo, et al.*, S.D.  
10 Cal. Civil Case No. 13cv1153 GPC (PCL). A court “may take notice of proceedings in other  
11 courts, both within and without the federal judicial system, if those proceedings have a direct  
12 relation to matters at issue.” *United States ex rel. Robinson Rancheria Citizens Council v.*  
13 *Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992).

14 A prisoner’s complaint is considered frivolous under 28 U.S.C. § 1915A(b)(1) if it  
15 “merely repeats pending or previously litigated claims.” *Cato v. United States*, 70 F.3d 1103,  
16 1105 n.2 (9th Cir. 1995) (construing former 28 U.S.C. § 1915(d)) (citations and internal  
17 quotations omitted). Because Plaintiff is already litigating the same claims presented in the  
18 instant action in *Hopkins v. Paramo, et al.*, S.D. Cal. Civil Case No. 13cv1153 GPC (PCL), the  
19 Court hereby **DISMISSES** Civil Case No. 13cv1666 LAB (KSC) pursuant to 28 U.S.C.  
20 § 1915A(b)(1). See *Cato*, 70 F.3d at 1105 n.2; *Resnick*, 213 F.3d at 446 n.1.

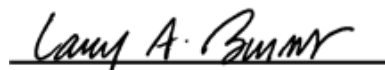
## 21 **II. Conclusion and Order**

22 Good cause appearing, **IT IS HEREBY ORDERED** that:

23 Plaintiff’s Complaint in Civil Case No. 13cv1666 LAB (KSC) is **DISMISSED** as  
24 frivolous pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff’s Motion for Leave to Proceed IFP is  
25 **DENIED** as moot. The Clerk shall close the file.

26 **IT IS SO ORDERED.**

27 DATED: August 21, 2013



**HONORABLE LARRY ALAN BURNS**  
United States District Judge